

IFW RCE

PTO/SB/00 (08-03)

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## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/657,405
Filing Date	September 8, 2003
First Named Inventor	George P. Emerson
Art Unit	3743
Examiner Name	Lewis, Aaron J.
Attorney Docket Number	EMER-102J

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- iii. ☒ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/Declaration(s)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 09-0002
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 385.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

08/16/2004 AWAB11 00000092 10657405 385.00 00 01 FD:2801

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Thomas E. Thompkins, Jr.	Registration No. (Attorney / Agent)	47,136
Signature	<i>T. Thompkins</i>	Date	8-16-04

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	Olga Kadish		
Signature	<i>Olga Kadish</i>	Date	August 16, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## **IANDIORIO & TESKA**

INTELLECTUAL PROPERTY LAW ATTORNEYS

Joseph S. Iandiorio  
Kirk Teska  
Jason D. Shanske  
Thomas E. Thompson, Jr.  
Roy J. Coleman  
David W. Poirier

260 BEAR HILL ROAD  
WALTHAM, MASSACHUSETTS 02451-1018

Tel: (781) 890-5678  
Fax: (781) 890-1150  
e-mail: admin@iandiorio.com  
web: www.iandiorio.com

August 16, 2004

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUBJECT:    Applicant:    George P. Emerson  
                 Serial No:    10/657,405  
                 Filed:        September 8, 2003  
                 For:          INSUFFLATION-EXSUFFLATION SYSTEM  
                                 FOR REMOVAL OF BRONCHO-PULMONARY  
                                 SECRETIONS WITH AUTOMATIC  
                                 TRIGGERING OF INHALATION PHASE  
  
                 Examiner:    Lewis, Aaron J.  
                 Group:        3743  
                 Docket No:    EMER-102J

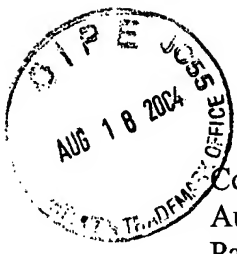
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Dear Sir:

Enclosed is a Request for Continued Examination (RCE) Transmittal Form PTO/SB/30 for the subject application and a check in the amount of \$385.00 for the fee for a small entity required under 37 C.F.R. §1.17(e). Also enclosed is an Information Disclosure Citation in an Application Form PTO-A820 citing nineteen (19) references and a copy of one reference.

If for any reason this Request for Continued Examination or Information Disclosure Citation are found to be INCOMPLETE, or if at any time it appears that a TELEPHONE CONFERENCE with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts (781) 890-5678.

If any payment during prosecution is found to be incorrect, please charge any deficiency or credit any overpayment to my Deposit Account No. 09-0002. A copy of this



Commissioner for Patents  
August 16, 2004  
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letter is enclosed for use by the Finance Branch in the event that it is necessary to make any charge or credit to my deposit account.

In addition, pursuant to Rule 1.136(a)(3), the Office is hereby authorized to treat any future reply requiring an extension of time as incorporating a request therefor. Also, any request or Petition for an Extension of Time notwithstanding an inadvertent reference in the Petition to a shorter period of time is to be treated as requesting the appropriate length of time.

Kindly acknowledge receipt of the foregoing by returning the enclosed self-addressed postcard.

Sincerely,

Thomas E. Thompson, Jr.  
Reg. No. 47,136

TET/ok  
Enclosures

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 16, 2004

  
\_\_\_\_\_  
Olga Kadish